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In Re: Patent Term Extension
Application for
U.S. Patent No. 6,309,650

mailed
JUL 31 2012
OPLA

NOTICE OF FINAL DETERMINATION

A determination has been made that U.S. Patent No. 6,309,650, claims of which cover the human drug product IXIARO® (Japanese Encephalitis Virus, Vaccine, Inactivated, Adsorbed), is eligible for patent term extension under 35 U.S.C. § 156. The period of extension has been determined to be 1,588 days.

A single request for reconsideration of this final determination as to the length of extension of the term of the patent may be made if filed within one month of the date of this notice. Extensions of time under 37 CFR § 1.136(a) are not applicable to this time period. In the absence of a request for reconsideration, the Director will issue a certificate of extension, under seal, for a period of 1,588 days.

The period of extension has been calculated using the Food and Drug Administration determination of the length of the regulatory review period published in the Federal Register of x (x). Under 35 U.S.C. § 156(c):

Period of Extension	=	RRP - PGRRP - DD - ½ (TP - PGTP)[1]
	=	3,461 - 752 - 0 - ½ (2,994 - 752)
	=	1,588 days (4.4 years)

Since the regulatory review period began October 10, 1999, before the patent issued (October 30, 2001), only that portion of the regulatory review period occurring after the date the patent issued has been considered in the above determination of the length of the extension period 35 U.S.C. § 156(c). (From October 10, 1999, to and including October 30, 2001, is 752 days; this period is subtracted from the number of days occurring in the testing phase according to the FDA determination of the length of the regulatory review period.) No determination of a lack of due diligence under 35 U.S.C. § 156(c)(1) was made.

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[1] Consistent with 35 U.S.C. § 156(c), "RRP" is the total number of days in the regulatory review period, "PGRRP" is the number of days of the RRP which were on and before the date on which the patent issued, "DD" is the number of days of the RRP that the applicant did not act with due diligence, "TP" is the testing phase period described in paragraphs (1)(B)(i), (2)(B)(i), (3)(B)(i), (4)(B)(i), and (5)(B)(i) of subsection (g) of 35 U.S.C. § 156, and "PGTP" is the number of days of the TP which were on and before the date on which the patent issued, wherein half days are ignored for purposes of the subtraction of ½ (TP - PGTP).

Neither the limitations of 35 U.S.C. § 156(g)(6) nor 35 U.S.C. § 156(c)(3) operate to reduce the period of extension determined above.

Upon issuance of the certificate of extension, the following information will be published in the Official Gazette:

U.S. Patent No.:	6,309,650
Granted:	October 30, 2001
Original Expiration Date[2]:	August 25, 2018
Applicant:	Hyun Su Kim et al.
Owner of Record:	Cheil Jedang Corp. and United States of America, as represented by the Secretary of the Army
Title:	Attenuated Japanese Encephalitis Virus Adapted to Vero Cell and a Japanese Encephalitis Vaccine
Product Trade Name:	IXIARO® (Japanese Encephalitis Virus, Vaccine, Inactivated, Adsorbed)
Term Extended:	1,588 days
Expiration Date of Extension:	December 30, 2022

[2]Subject to the provisions of 35 U.S.C. § 41(b).

Any correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

By FAX: (571) 273-7755

Telephone inquiries related to this determination should be directed to the undersigned at (571) 272-7755.

Mary C. Till
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

cc: Office of Regulatory Policy
Food and Drug Administration
10903 New Hampshire Ave., Bldg. 51, Rm. 6222
Silver Spring, MD 20993-0002

Attention: Beverly Friedman

RE: IXIARO® (Japanese Encephalitis Virus, Vaccine, Inactivated, Adsorbed)
Docket No.: FDA-2009-E-0416